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LETTER DATED 2 JUNE 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a copy of a letter dated 2 June 1997 from Mr. Milan Milutinović, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, concerning the extension of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) addressed to you.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

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Annex

Letter dated 2 June 1997 from the Federal Minister for Foreign Affairs of Yugoslavia addressed to the President of the Security Council

As you know, by its resolution 1037 (1996) of 15 January 1996, the Security Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for the purpose of maintaining peace and security and providing assistance to parties in the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, which, in accordance with the Agreement "shall govern the region during the transitional period in the interest of all persons resident in or returning to the Region". By the same resolution, UNTAES was given a comprehensive mandate consisting of a military and a civilian component. The military component of the mandate encompasses, inter alia, the demilitarization of the region, overseeing the voluntary and safe return of refugees and displaced persons and the maintenance of peace and order. The civilian component of the mandate encompasses the establishment of a temporary police force, the functioning of the civilian administration and public services, the return of refugees and displaced persons, the holding of elections, as well as other tasks under the Basic Agreement. UNTAES should also monitor whether the parties honour their obligations to respect the highest standards of human rights and fundamental freedoms, i.e., promote an atmosphere of confidence among the local population.

Under the Basic Agreement, the transitional period will last 12 months and may be extended to another period of the same duration if so requested by one of the parties. Since the Serb side has formally sent such a request to the Security Council, about which the Secretary-General informed the Security Council in his report of 28 August 1996 (S/1996/705), it is evident that the transitional period has been extended until 15 January 1998, pursuant to provisions of paragraph 1 of the Basic Agreement.

By paragraph 7 of its resolution 1079 (1996) of 15 November 1996, the Security Council decided to maintain the United Nations presence in the region until the end of the extended transitional period, as provided for in the Basic Agreement. By the same resolution, the UNTAES mandate was extended until 15 July 1997 and the Secretary-General was requested to provide to the Security Council, not later than 1 July 1997, his recommendations for the further United Nations presence for the six-month period, i.e. until the end of the transitional period.

In accordance with the above decisions, the Security Council should soon make a decision on the extension of the mandate of UNTAES. It is undoubtedly a major political decision that will be of extreme importance, not only to the full and successful implementation of the Basic Agreement, but also to the consolidation of peace and strengthening of security in the broader region. Therefore, we consider that the Security Council, as an organ with primary responsibility for the maintenance of international peace and security, will

continue to be engaged in the region with full responsibility, fully respecting the interests of all interested parties.

We are convinced that it is just now, in the period after the elections, that the actual transitional period begins, which is of crucial importance to unimpeded transition of power, and that it is therefore necessary to ensure the continued presence, i.e. the mandate, of UNTAES, in an unchanged form, until the end of the transitional period, that is, until 15 January 1998. The presence of United Nations forces during that period is an additional guarantee that all problems that may arise in the process of transition of power and authority to newly established organs will be overcome.

In addition, we profoundly believe that such a decision of the Security Council will be of outstanding and far-reaching importance and will directly contribute to preventing the Serbs from leaving the region, creating the conditions for a permanent stabilization of the situation, reducing distrust and preserving the multiethnic character of the region, constituting local government bodies in accordance with the results of the election, constituting the Joint Council of Municipalities, implementing the plans for economic reconstruction and rebuilding of the region with full engagement of the international community, defining the cultural and educational autonomy of the Serbs in accordance with European and international standards and resolving, in a lasting and viable manner, the problems of displaced Serbs from other parts of Croatia currently residing in the region.

The decision of the Security Council on the extension of the mandate of UNTAES until the expiration of the transitional period provides the best guarantee for successful and full implementation of the Basic Agreement and protection of the local population. At the same time, it is the best signal to one of the signatory parties to change its behaviour and instead of pressures and failure to honour its obligations and resolve actual problems, finally undertake concrete measures which would instil much-needed confidence among the local population in the region, ensure its survival and the region's multiethnic character. The Federal Republic of Yugoslavia cannot consequently accept the proposal that after 15 July 1997 UNTAES tasks be assumed by a monitoring mission.

Although not a signatory party to the Basic Agreement, the Federal Republic of Yugoslavia has been vitally interested in the Agreement's implementation so far and has made a major contribution, since in our view, it is the only possible and realistic basis for the consolidation of lasting peace and full normalization of the situation. In that respect, it expects, in addition to the parties directly involved, an active, constructive and timely engagement of the international community.

I would also like to underline that, despite the provision on the duration of the transitional period, the importance and relevant of the Basic Agreement cannot be limited in essence or by time. It is obvious that the signatories to the Agreement themselves had that in mind when they stated in paragraph 10 that after the expiration of the transitional period "the international community shall monitor and report on respect for human rights in the region on a long-term basis", which we rightly expect.

Finally, full and consistent implementation of the Basic Agreement is the best guarantor of lasting peace, comprehensive development and strengthening of cooperation in the broader region and one of the essential elements for full normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia.

In view of all above facts, the Federal Republic of Yugoslavia expects the Security Council to make a decision on the extension of the mandate of UNTAES, in an unchanged form, until the expiration of the transitional period as a logical step, which would be the best guarantee for the preservation of peace and security as well as full protection of the local Serbian population. It would essentially represent an unambiguous signal and support of the international community to all parties involved to carry out their activities in fully implementing the Basic Agreement and honour all obligations assumed unilaterally or otherwise.

I wish to express our gratitude also on this occasion to Mr. Jacques Paul Klein, United Nations Transitional Administrator, and all members of UNTAES for their engagement so far in their noble mission of peace.

(Signed) Milan MILUTINOVIĆ